REMARKS

In the Office Action, claims 1-6 were rejected under 35 U.S.C. § 102(b) based on "Substation IED Communications," Panel Presentation for IEEE PES Winter Meeting - 2002, by Manish Chaturvedi et al. ("Chaturvedi"), and claims 7-20 were rejected under 35 U.S.C. § 102(e) based on U.S. Patent No. 6,799,080 to Hylden et al. ("Hylden").

By this Reply, Applicants have amended claims 1, 5-10, 12, 19, and 20, canceled claims 11 and 13 without prejudice or disclaimer, and added new claims 21-23. Support for the amendments and the new claims can be found in the specification, for example, at page 14, line 3 through page 18, line 1. Claims 1-10, 12, and 14-23 are currently pending, with claims 1 and 7 being independent.

Based on the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of the claim rejections.

I. § 102(b) Rejection of Claims 1-6 Based on Chaturvedi

In order to properly anticipate claims under 35 U.S.C. § 102, a cited reference must explicitly disclose each and every element recited in the claims. *See* M.P.E.P. § 2131 (8th ed., August 2005 rev.). If the reference fails to expressly set forth a particular element, then the Examiner must show that this element is inherently disclosed to substantiate a claim of anticipation. See In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999). To establish inherency, the Examiner must specifically identify extrinsic evidence that makes clear to one skilled in the art that the missing element "is necessarily present" in the reference's disclosure. See id.; see also Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1269 (Fed. Cir. 1991).

A.   Claim 1

Chaturvedi does not disclose each and every element recited in amended independent claim 1. For example, amended independent claim 1 recites, among other things, a plurality of devices " . . . wherein each one of said plurality of devices includes device configuration means for creating or updating device configuration data, the device configuration data including description of the device and representation of interconnection and interaction of the device with other of the devices." Chaturvedi does not disclose at least this recited subject matter of amended independent claim 1.

Instead, Chaturvedi provides "an overview of the benefits of the Utility Communications Architectures (UCA™) . . . includ[ing] a review of the UCA vision, the UCA benefits, and a brief history of milestones." Chaturvedi at 597. Chaturvedi describes the UCA as a communication protocol, and further provides "what sets UCA apart from other utility communication protocols." Id. Chaturvedi discloses that "[t]he UCA is built on the model specified the Open Systems Interconnection (OSI) Reference Model[, which] identifies seven distinct communications 'layers.'" Id. at 604. Chaturvedi provides that the top-most layer contains "pure device information which is then wrapped inside the functionality of each layer in the so-called 'stack' until it emerges on the wire as a finished packet." Id. at 605.

Chaturvedi mentions that the disclosed communication protocol for wrapping device information "allows construction of smart computer applications which can present 'pick and choose' and 'self-configuring' options to their users," without further providing how the smart computer application can be constructed. Id. at 600.

Chaturvedi refers to these smart computer applications and 'plug and play' devices as "**[f]uture real-time devices** [which] will plug into a communications 'cloud' much as we now use the Internet to connect diverse users." Id. at 607 (emphasis added).

Applicants respectfully submit that as Chaturvedi is directed to standards and/or protocols, Chaturvedi does not provide enabling disclosure as to the "future real-time devices." Further, nowhere does Chaturvedi teach or suggest that the future device mentioned in Chaturvedi includes "device configuration means for creating or updating device configuration data, the device configuration data including description of the device and representation of interconnection and interaction of the device with other ones of said plurality of devices," as recited in amended independent claim 1. Therefore, Chaturvedi does not disclose the subject matter recited in amended independent claim 1.

For at least these reasons, Chaturvedi fails to support the § 102(b) rejection of amended independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection of claim 1 based on Chaturvedi.

B.   Claims 2-6

Claims 2-6 depend from amended independent claim 1, and are allowable at least by virtue of their dependence from an allowable independent claim. Thus, Chaturvedi does not support § 102(b) rejection of claims 2-6.

Furthermore, the dependent claims recite further distinction over Chaturvedi. For example, claim 5 recites "broadcast means for operating a controller of a given device, . . . to broadcast over said computer network an auto-discovery protocol." Nowhere

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does <u>Chaturvedi</u> disclose broadcasting a protocol over a network. Instead, <u>Chaturvedi</u> indicates that the devices of <u>Chaturvedi</u> merely respond to a request, which is not the same as broadcasting. In describing how the UCA differs from the Distributed Network Protocol (DNP), <u>Chaturvedi</u> refers to the DNP as "a master/slave architecture . . . supporting **unsolicited reporting**." <u>Chaturvedi</u> at 609 (emphasis added).

For these additional reasons, <u>Chaturvedi</u> fails to support the § 102(b) rejection of claims 2-6. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection of claims 2-6 based on <u>Chaturvedi</u>.

II.   § 102(b) Rejection of Claims 7-20 Based on Hylden

A.   Claim 7

<u>Hylden</u> does not disclose each and every element recited in amended independent claim 7. For example, amended independent claim 7 recites, among other things, "configuring said plurality of pieces of industrial equipment and/or devices using a configuration tool included in each of said plurality of pieces of industrial equipment and/or devices, the configuration tool creating or updating device configuration data including description of the piece of industrial equipment and/or device and representation of the interconnection and interaction thereof with other ones of said plurality of pieces of industrial equipment and/or devices." <u>Hylden</u> does not disclose at least this recited subject matter of amended independent claim 7.

Instead, as shown in FIGS. 1 and 2 of <u>Hylden</u>, the configuration tool of <u>Hylden</u> is not included in a piece of industrial equipment or device. FIG. 1 depicts the

configuration tool within a monitoring system server, which is typically a personal computer. Hylden, col. 3, lines 18-21. Hylden also describes the configuration tool as a Microsoft Access based-software application, provided by Microsoft Corporation. Hylden, col. 4, lines 24-26. Thus, Hylden fails to disclose "configuring said plurality of pieces of industrial equipment and/or devices using a configuration tool included in each of said plurality of pieces of industrial equipment and/or devices . . . ," as recited in amended independent claim 7.

For at least these reasons, Hylden does not support the § 102(e) rejection of amended independent claim 7. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claim 7 based on Hylden.

B.   Claims 8-20

Claims 8-10, 12, and 14-20 depend from amended independent claim 7. Thus, claims 8-10, 12, and 14-20 are allowable at least by virtue of their dependence from an allowable independent claim. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 8-10, 12, and 14-20 based on Hylden.

III.   New Claims 21-23

Claims 21-23 depend from amended independent claim 1. Claims 21-23 are allowable at least by virtue of their dependence from allowable independent claim 1. Furthermore, claims 21-23 recite further distinctions over Chaturvedi. Accordingly, Applicants respectfully request allowance of claims 21-23.
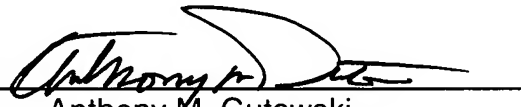
IV.   Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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